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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,423	03/14/2001	Gene E. Nacey	2556/008	3458
23861	7590	07/23/2010	EXAMINER	
METZ LEWIS, LLC			PASS, NATALIE	
11 STANWIX STREET				
18TH FLOOR			ART UNIT	PAPER NUMBER
PITTSBURGH, PA 15222			3686	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **OFFICE ACTION**

### *Notice to Applicant*

1. This communication is in response to the Pre-Appeal Brief Request for Review filed 16 June 2010. Claims 39-75 remain pending.

### *Claim Rejections - 35 USC § 112*

2. The rejection of claims 39-75 under 35 U.S.C. §112, first paragraph is hereby withdrawn due to the persuasive arguments detailed in the Pre-Appeal Brief Request for Review filed 16 June 2010.

### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774.
4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry O'Connor can be reached on (571) 272-6787. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/N. A. P./  
Examiner, Art Unit 3686  
July 20, 2010

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686